



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,773	12/08/2003	Hans Hundegger	P69351US0	1079

7590 07/17/2007  
JACOBSON, PRICE, HOLMAN & STERN  
PROFESSIONAL LIMITED LIABILITY COMPANY  
400 Seventh Street, N.W.  
Washington, DC 20004

EXAMINER
----------

MILLER, BENA B

ART UNIT	PAPER NUMBER
----------	--------------

3725

MAIL DATE	DELIVERY MODE
-----------	---------------

07/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/728,773

Applicant(s)

HUNDEGGER, HANS

Examiner

Bena Miller

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_

### **DETAILED ACTION**

**Remarks in the RCE filed 4/27/07 are duly noted.**

#### ***Claim Objections***

Claim 1 is objected to because of the following informalities: the word "reminder", recited line 14, should read -- remainder --. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "providing at least one of the first and the second conveying systems.....by the at least two machining tools in the single work station" is confusing. Further, the phrase "machining a reminder of the plurality of the machining, operations....by the at least two machining tools" is also confusing. Line 19 recites "moving the at least two machining tools along several axes in coordination with the at least one of the first conveying system and the second conveying system to complete the plurality of machining operations"; however in line 14, recites "machining a remainder of the plurality of the machining operations on the wood piece". It is not clear whether the plurality of the machining operations on the wood piece is completed by

Art Unit: 3725

moving the at least two machining tools along several axes or the remainder (in this instance, the examiner presumes that "remainder" includes all the operations performed on the work piece until each operation is completed) of the plurality of the machining operations by the control of the positioning system. In other words, are the plurality of machining operations on the wood piece is completed by the at least two machining tools moving along several axes or by the control of the positioning system?

Regarding claims 5 and 6, the phrase "wherein the positioning system is provided for both the first and the second conveying systems in the feeding region and the discharge region, respectively" is confusing.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by either Wrightman (US Patent 4,938,263) or Hurn (US Patent 3,833,033).

The device of Wrightman or Hurn reads on the method of the claimed invention including the steps of providing at least two machine tools (fig. 2 or 100, respectively), providing a first and second conveying system (fig. 1 or 2 and 2a, respectively), providing a positioning system (24 or 43 and 4, respectively), machining a front end

Art Unit: 3725

region (fig. 7 and 8 or fig. 7 or 8, respectively) and moving the at least two machining tools along several axes (fig 2-4 or fig. 7 or 8, respectively).

Claims 1 and 4-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolf et al (US Patent 6,213,176).

The device of Wolf et al reads on the method of the claimed invention including the steps of providing at least two machine tools (fig. 3), providing a first and second conveying system (fig. 1), providing a positioning system (10 and 5), machining a front end region (fig. 1) and moving the at least two machining tools along several axes (fig. 3).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Wrightman or Hurn or Wolf et al in view of Vartiainen (US Patent 4,441,537).

Wrightman or Hurn or Wolf teaches most of the elements of the claimed invention except for a measuring equipment connected with the positioning system. Vartiainen teaches that it is well known to provide a measuring device for aligning wood before cutting. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate measuring equipment as suggested by Vartiainen in the device of Wrightman or Hurn or Wolf et al for the reasons set for above.

Art Unit: 3725

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Wrightman or Hurn or Wolf et al in view of Kennedy et al (US Patent 6,039,097).

Wrightman or Hurn or Wolf teaches most of the elements of the claimed invention except for recognizing and indexing the wood piece. Kennedy teaches that it is well known to collect and index wood pieces before cutting as seen in par. 4 of col. 15. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the step of collecting and indexing as suggested by Kennedy et al in the method of Wrightman or Hurn or Wolf et al for the reasons set for above.

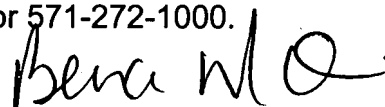
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Bena Miller  
Primary Examiner  
Art Unit 3725

bbm  
July 07, 2007